

Message

From: Mednick, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51C61B3F575043FCA20E08A6059C10DB-MEDNICK, RICHARD]
Sent: 10/31/2018 12:19:49 AM
To: Black, Elizabeth [Black.E@portseattle.org]
CC: thomas.newlon@stoel.com; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Hiltner, Allison [Hiltner.Allison@epa.gov]; Blocker, Shawn [Blocker.Shawn@epa.gov]; Sanga, Ravi [Sanga.Ravi@epa.gov]; Spangler, Brick [Spangler.B@portseattle.org]; bahnick.k@portseattle.org; dberlin@anchorqea.com
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute
Attachments: EW Appendix A Oct. 29 EPA.docx

Hi Elizabeth,

EPA has one suggested change for the purpose of clarifying the last sentence of the third paragraph on page 14 of the attached version of Appendix A. This is the clean version of Appendix A that you sent to me last Thursday. The following is our proposal:

~~"Accordingly, the above site-wide post-construction SWAC represents an idealized condition that is not likely to be realistically be achieved during remedy implementation".~~

With that change, the attached version of Appendix A is acceptable to EPA.

Please let me know if the Port agrees to the proposed modification. If so, to resolve the dispute as prescribed by paragraph 62 of the Settlement Agreement, EPA will provide the Port with a letter which includes an enclosure that is the clean agreed-upon final version of Appendix A. Once the Port sends EPA a response letter which expresses its agreement, we will have resolved the dispute and I will so inform Sheryl Bilbrey.

Please let me know if you have any questions.

Thank you,

Richard

Richard Mednick
Associate Regional Counsel
Regional Judicial Officer
U.S. EPA I Region 10
1200 Sixth Avenue
Suite 155, M/S ORC-113
Seattle, WA 98102
(206) 553-1797

From: Black, Elizabeth [mailto:Black.E@portseattle.org]
Sent: Thursday, October 25, 2018 5:59 PM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: thomas.newlon@stoel.com; Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Hiltner, Allison <Hiltner.Allison@epa.gov>; Blocker, Shawn <Blocker.Shawn@epa.gov>; Sanga, Ravi <Sanga.Ravi@epa.gov>; Spangler, Brick <Spangler.B@portseattle.org>; bahnick.k@portseattle.org; dberlin@anchorqea.com; Black, Elizabeth <Black.E@portseattle.org>
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Hi Richard,

Thank you for your work on Appendix A. We conferred with our partners at the City and the County and the attached version reflects our collective comments – in general, we are at a point where the Appendix is acceptable with just a few relatively minor clarifications. These edits are shown in dark blue. With all the colors, it's getting hard to read, so I've also attached a clean version that we think is final.

Please let us know if you have any questions or if would like to discuss further.

Thanks,

Elizabeth

From: Mednick, Richard [<mailto:Mednick.Richard@epa.gov>]
Sent: Tuesday, October 02, 2018 10:20 AM
To: Black, Elizabeth
Cc: thomas.newlon@stoel.com; Grandinetti, Cami; Hiltner, Allison; Blocker, Shawn; Sanga, Ravi
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Hi Elizabeth,

I am attaching a revised proposed draft of Appendix A. For this document, EPA started with the version that Dan Berlin sent to me on September 17. EPA's proposed editing is depicted within the **red highlights**.

Please let me know how much time the Port will need to review this document and respond to EPA

Thank you for your continued efforts.

Richard

Richard Mednick
Associate Regional Counsel
Regional Judicial Officer
U.S. EPA | Region 10
1200 Sixth Avenue
Suite 155, M/S ORC-113
Seattle, WA 98102
(206) 553-1797

From: Black, Elizabeth [<mailto:Black.E@portseattle.org>]
Sent: Thursday, September 20, 2018 11:29 AM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: thomas.newlon@stoel.com
Subject: Re: Appendix A EPA Revisions for Negotiation of Dispute

Hi Richard, that's fine. Thanks for the update.

Elizabeth

Sent from my iPhone

On Sep 20, 2018, at 11:06 AM, Mednick, Richard <Mednick.Richard@epa.gov> wrote:

Elizabeth and Tom,

Due to some scheduling issues, I will not be able to sit down with others here at EPA to discuss Appendix A until next Tuesday afternoon. Please let me know if it would be alright with you for EPA to respond to the Port's proposed revisions to Appendix A by no later than a week from Tuesday (which would be October 4th).

Thank you, Richard

From: Black, Elizabeth [<mailto:Black.E@portseattle.org>]
Sent: Monday, September 17, 2018 8:47 AM
To: Mednick, Richard <Mednick.Richard@epa.gov>; thomas.newlon@stoel.com
Cc: dberlin@anchoragea.com; Black, Elizabeth <Black.E@portseattle.org>
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Hi Richard,

Sorry about that – since we had multiple reviewers, the various redlines got unwieldy so we provided a “clean” version comparing our changes (which accepted many of EPA's edits) to the original November 2017 version.

We can make a different comparison version showing our changes to EPA's August version – Dan or Tom, could you please send this to Richard as soon as you get a chance? I'm working at home and am not as nimble this week.

Thanks,

Elizabeth

From: Mednick, Richard [<mailto:Mednick.Richard@epa.gov>]
Sent: Friday, September 14, 2018 3:25 PM
To: Black, Elizabeth; thomas.newlon@stoel.com
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Elizabeth and Tom,

The revised version of Appendix A that was provided to EPA yesterday does not show all of the red-lines/edits/mark-ups that were made by the Port to the version of Appendix that EPA submitted to the Port prior to our most recent meeting. Many EPA-proposed changes are simply missing rather than being red-lined/struck. This makes review and consideration of proposed changes much more time consuming and confusing for me (and I suspect for others), as I now need to compare two the documents side by side and line by line in order to understand all of the differences.

Richard

Richard Mednick
Associate Regional Counsel
Regional Judicial Officer
U.S. EPA I Region 10

1200 Sixth Avenue
Suite 155, M/S ORC-113
Seattle, WA 98102
(206) 553-1797

From: Black, Elizabeth [<mailto:Black.E@portseattle.org>]
Sent: Thursday, September 13, 2018 2:51 PM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: bahnick.k@portseattle.org; Spangler, Brick <Spangler.B@portseattle.org>; Newlon, Thomas A. <thomas.newlon@stoel.com>; dberlin@anchoragea.com; Black, Elizabeth <Black.E@portseattle.org>
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Hi Richard,

Following up on our discussion two weeks ago, attached is a revised version of Appendix A that incorporates many of EPA's revisions proposed in your August 28 draft and also includes new language discussing the modeling uncertainty issues that we discussed at our meeting.

I don't recall that we set a timeframe for next steps; please let us know when you think EPA will be able to approve or disapprove this version. Following our tradition of two weeks would be September 27.

Thank you,

Elizabeth

From: Mednick, Richard [<mailto:Mednick.Richard@epa.gov>]
Sent: Tuesday, August 28, 2018 4:19 PM
To: Newlon, Thomas A.
Cc: Grandinetti, Cami; Blocker, Shawn; Sanga, Ravi; Hiltner, Allison; Patten, Kayla M CIV USARMY CENWS (US); Gardiner, William W CIV USARMY CENWS (US)
Subject: Appendix A EPA Revisions for Negotiation of Dispute

Hi Tom,

For purpose of a negotiated resolution to the dispute initiated by the Port of Seattle (Port) under the ASAO for the EWOU, please find the attached version of Appendix A to the FS with revisions that EPA views as necessary.

EPA has worked diligently on this document in order to provide a version that meets the needs of the Port while maintaining, at a minimum, the accuracies and distinctions seen as essential by EPA. EPA, with assistance from the Army Corps. of Engineers, will be prepared to explain its rationale for the alterations, should that be needed tomorrow.

We look forward to meeting with the Port tomorrow to discuss this matter and hope to reach a resolution of the dispute at that time.

Thank you,

Richard

Richard Mednick
Associate Regional Counsel

Regional Judicial Officer
U.S. EPA | Region 10
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Seattle, WA 98102
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